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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/696,102

10/28/2003

Mark E. Tuttle

MI40-363

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7590 01/19/2007
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EXAMINER

ZIMMERMAN, BRIAN A

ART UNIT

PAPER NUMBER

2612

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

01/19/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/696,102

Applicant(s)

TUTTLE ET AL.

Examiner

Brian A. Zimmerman

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-68 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-68 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) ✓
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

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Status of Application

In response to the applicant's amendment received on 11/14/06. The examiner has considered the new presentation of claims and applicant arguments in view of the disclosure and the present state of the prior art. And it is the examiner's position that claims 15-68 are unpatentable for the reasons set forth in this office action:

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102 and § 103

1. Claims 15-28, 35-68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schuermann (5491484) in view of Kulka (5483827).

Schuermann shows a transponder, figure 3 for identification of an object (col. 6 lines 21+). The transponder 12 includes an antenna 133. Note that figure 3's illustration appears to describe element 10, but the description starting on col. 4 line 58 clearly discusses that the transponder 12 is depicted in figure 3. The device includes a power source col. 2 lines 19+. The antenna is coupled to a transmitter/receiver circuit (dashed line box of figure 3). The transponder circuit is selectively tuned within a range of tuned and detuned states to realize a desired sensitivity response to an interrogation signal transmitted by the interrogation unit. The tuning is accomplished by configuring the conduction of the circuit, this is accomplished by switching elements (each pair of elements 240

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and 242 forms a fixed circuit network) using the latch 244. See col. 3 lines 60 to col. 4 line 10.

Schuermann differs from the claimed invention in that the claims call for the transponder to be a monolithic semiconductor integrated circuit device. In an analogous art, Kulka provides evidence that single IC RFID devices were known and available as early as June 1994 (the filing date of Kulka). Kulka shows a battery 14 used to power the transponder IC, see col. 5 lines 1-2. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have made the transponder circuits of Schuermann on a single IC as suggested by Kulka, since such would reduce the size and manufacturing considerations of the transponder of Schuermann.

2. Claims 29-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Schuermann (5491484).

Schuermann shows a transponder, figure 3. The transponder 12 includes an antenna 133. Note that figure 3's illustration appears to describe element 10, but the description starting on col. 4 line 58 clearly discusses that the transponder 12 is depicted in figure 3. The antenna is coupled to a transponder circuit (dashed line box of figure 3). The transponder circuit is selectively tuned within a range of tuned and detuned states to realize a desired sensitivity response to an interrogation signal transmitted by the interrogation unit. The tuning is accomplished by configuring the conduction of the circuit, this is

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accomplished by switching elements (each pair of elements 240 and 242 forms a fixed circuit network) using the latch 244. See col. 3 lines 60 to col. 4 line 10.

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian A. Zimmerman whose telephone number is 571-272-3059. The examiner can normally be reached on 7 am to 4 pm E.S.T.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on 571-272-7308. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Brian A Zimmerman
Primary Examiner
Art Unit 2612

BZ